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OK/HAV

Attorney for Defendant

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)	No. Cr.S. 04-0104 DFL
)	
Plaintiff,)	
)	STIPULATION AND [PROPOSED] ORDER
v.)	RESETTING THE BRIEFING SCHEDULE
)	AND THE HEARING DATE
)	
MARK ERCKERT)	Hon. David F. Levi
)	
Defendant.)	
)	

The defendant, Mark Erckert, by and through counsel, Krista Hart, and plaintiff United States, by and through counsel Phil Ferrari, hereby stipulate and agree that the briefing schedule currently set be reset as follows:

Motions and briefs due: January 19, 2006

Opposition briefs due: February 2, 2006

Reply briefs due: February 9, 2006

Hearing date: February 16, 2006 at 10:00 a.m.

It is further stipulated and agreed between the parties that the period from December 29, 2005, and January 19, 2006, should be excluded in computing the time within which the trial of the above criminal

prosecution must commence for purposes of the Speedy Trial Act. All parties stipulate and agree that this is an appropriate exclusion of time within the meaning of Title 18, United States Code, sections 3161(h)(8)(B)(ii) (Local Code T2), and 3161(h)(8)(B)(iv) (Local Code T4).

Defense counsel has been in trial in California Superior Court, County of Sacramento, Department 30, case number 05F02818, People v. Davis. The trial began December 12, 2005, and was expected to last two weeks. It took longer than expected; counsel gave closing arguments on January 4, 2006. Defense Counsel has not had time to prepare the motions.

Respectfully submitted,

DATED: January 5, 2006

/s/ Krista Hart
Krista Hart
Attorney for Defendant
Mark Erckert

DATED: January 5, 2006

McGREGOR SCOTT
United States Attorney

/s/ Phil Ferrari
Assistant U.S. Attorney
(signed by Krista Hart per
telephone conversation)

O R D E R

FOR GOOD CAUSE SHOWN, IT IS SO ORDERED.

DATED: 1/10/2006

/s/ David F. Levi
HONORABLE DAVID F. LEVI
United States District Judge